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FOR IMMEDIATE RELEASE

Yavapai Community College Governing Board Violated Open Meeting Law, Attorney General's Investigation Finds

(Phoenix, Ariz. - March 24, 2005) An investigation by the Attorney General's Office has concluded that the Yavapai Community College District Governing Board in Prescott violated the state Open Meeting Law several times last year when a quorum of the members communicated about board business via email. The investigation found that the board also violated the law by failing to create minutes of board "work sessions."

In lieu of filing a court action against board members, the Open Meeting Law Enforcement Team of the Attorney General's Office recommends they enter into a consent agreement, which contains the following provisions:

- Board members Herald Harrington, Edward Harris, Paul Madden and Donna Michaels will each pay a \$500 penalty to the Yavapai Community College general fund.
- The board will review the investigation's findings and recommendations during its next board meeting, make copies of the report available to the public at the meeting and invite public discussion.
- Board members will participate in Open Meeting Law training within 90 days of accepting the consent agreement.
- Prior to the training, each board member will sign a statement agreeing not to use email to communicate with other board members.
- Within six months of the training, the board will develop an email communication policy that complies with Open Meeting Law.

"The repeated failure of board members to conduct the public's business in public adds up to a serious disregard for the law," Attorney General Terry Goddard said. "I hope other public officials will take note of these findings and my office's commitment to rigorously enforce the Open Meeting Law."

The investigation was prompted by a complaint filed last August by Terry Bowmaster, who was then a vice president at the college. He subsequently resigned.

Under Arizona's Open Meeting Law, "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A meeting is defined as a "gathering in person or through technological devices" of a quorum of members.

The investigation report notes that board members received Open Meeting Law training on Aug. 10, 2004, when Yavapai Deputy County Attorney Victoria Witt specifically warned that email communication among board members posed a serious risk of violating the law. Yet several emails found to be in violation were sent by board members after the board received Witt's admonition.

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